



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2222 of 2021

Sathish

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai
(Crime. No.1064/2020)

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C.,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

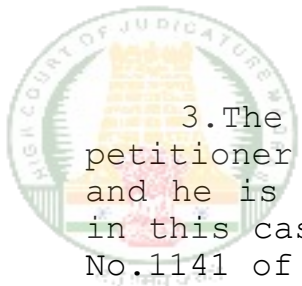
PRAYER :-

For Bail in Crime No.1064 of 2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 27.12.2020 for the offences punishable under Sections 294(B), 342,307,302 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to some matrimonial dispute between the deceased and her husband on 22.11.2020 A2 along with A1, father of the defacto complainant went to the house of the defacto complainant and they assaulted her mother with sickle and caused her death. When the defacto complainant tried to intercept them, they made an murder to murder here also. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is jail for more than 45 days. He would also submit that A1 in this case was granted by this Court on 01.02.2021 in Crl.O.P(MD) No.1141 of 2021, hence he may be granted bail.

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4.The learned Additional Public Prosecutor would submit that petitioner along with other accused abused and wrongfully restrained the deceased and committed murder. He would also submit that the investigation is at the crucial stage. He would further submit that A1 in this case was granted by this Court on 01.02.2021 in Crl.O.P(MD) No.1141 of 2021.

5. It is seen that there was a dispute between the petitioner and the deceased and the deceased was living separately along with the defacto complainant. On 22.11.2020 the petitioner and other accused went to the house of the deceased quarreled with her and thereby assaulted her with sickle and caused her death and the petitioner herein said to have pushed the deceased down which facilitated A1 to attack the deceased. It is also seen that prior to the assault the son of the deceased along with his friends had attacked A1 and he was severely injured, got admitted in the hospital and a case was registered in Crime No.476 of 2020 for the offence under Section 307 of IPC. On coming to know that his brother being assaulted A1 along with the petitioner had gone to the place of the deceased and questioned the same, at that time the occurrence said to have taken place.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that A1 in this case was granted bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.



iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.
- 2 DO THRO'
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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ORDER
IN
CRL OP (MD) No.2222 of 2021

Date :12/02/2021

NR/VR/SAR-4(12/02/2021) 4P: 6C